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Federal Communications Commission
Washington, D.C. 20554

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EX PARTE OR LATE FILED

TO: Marlene Dortch
Secretary

FROM: Karl Kensinger
Assistant Chief
Satellite Division
International Bureau

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Stephen Duall
Attorney Advisor
Satellite Division
International Bureau

RE: Permitted Ex Parte Presentation; IB Docket No. 02-54

On August 28 and 29, and September 3, 2002, the above listed members of the Commission's staff held telephone discussions with Mr. Robert Power, Director of Regulatory and Government Initiatives, and Mr. Bruce Burlton, Director of Satellite Operations, of Telesat Canada (Telesat). The subject of these discussions related to Telesat's comments filed in response to the Commission's Notice of Proposed Rulemaking (NPRM) regarding the Mitigation of Orbital Debris. See In the Matter of Mitigation of Orbital Debris, *Notice of Proposed Rulemaking*, FCC 02-80, IB Docket No. 02-54 (rel. March 18, 2002).

Specifically, Commission staff initiated the discussions in order to clarify Telesat's recommendation that the Commission refrain from adopting orbital debris mitigation requirements as part of its domestic licensing requirements (and which could apply to non-U.S.-licensed space stations seeking to serve the U.S. market), but rather rely on international standards developed through multi-national or bi-lateral agreements. Commission staff noted that a recommendation exists for orbital debris mitigation, which has been adopted by the International Telecommunication Union (ITU).¹ The Commission staff also noted the Inter-Agency Debris Coordinating Committee's Draft Recommendation. Commission staff observed that Telesat indicated in its comments that it disposes of its geostationary orbit (GEO) satellites by placing them in target orbits with perigees of 100 to 150 kilometers above GEO. This altitude is lower than those set forth under the ITU recommendation, which recommends an altitude of at least 300 kilometers from GEO. The Commission staff also requested information concerning the technical bases for Telesat's disposal practices.

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¹ See Rec. ITU-R S.1003, "Environmental Protection of the Geostationary-Satellite Orbit," ITU-R Recommendations, 1994 S Series Volume: Fixed Satellite Service, International Telecommunication Union, Geneva, Switzerland, 1994. See also NPRM at ¶ 24 n.56.

In response, Telesat stated that it has historically aimed for a disposal altitude of 100-150 kilometers beyond GEO, and may occasionally exceed this altitude if a satellite's actual fuel reserves are greater than calculated. Telesat indicated that its disposal practices are fully consistent with those of other U.S. and international satellite operators. As an example, Telesat observed that Intelsat has historically aimed at a disposal altitude of 150 kilometers, as reflected in comments in this proceeding.² Telesat noted that the submissions from U.S. satellite operators were supportive of Commission action, but that their current practices with regard to de-orbiting were not outlined, and Telesat suggested that it would be useful for Commission staff to investigate this point. Telesat last de-orbited a satellite in 1998 and indicated that it believes its record compares favorably with the record of other satellite operators. Telesat reiterated that it has never experienced any problems with disposals at this altitude, but noted that it may need to revisit its disposal altitudes as spacecraft become bigger and additional margin is required to account for drift.

Telesat also stated that, although its current disposal practices did not strictly conform to those of the ITU recommendation, it has always acted responsibly in this regard. Accordingly, it did not object to uniform, internationally accepted standards to mitigate orbital debris and did not believe that complying with such standards would be onerous for satellite operators. It reiterated that its central concern is that the creation of duplicate sets of conflicting standards could create regulatory uncertainty and could unnecessarily raise costs. Telesat also stressed that if the Commission does adopt orbital debris mitigation requirements as part of its domestic licensing procedures, the Commission should only do so on a "going-forward" basis.

In addition, Telesat offered to investigate whether the Canadian government had any specific standards applicable to the mitigation of orbital debris.

² See Reply Comments of Victor J. Slabinski, PhD at 2 (filed Aug. 16, 2002).